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ORIGINAL: ENGLISH

AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 392nd MEETING

Held at Headquarters, New York,
on Monday, 1 July 1991 at 10 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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Statement by the Chairman

Programme of work

Implementation of General Assembly resolution 45/77

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

The meeting was called to order at 10.35 a.m.

STATEMENT BY THE CHAIRMAN

1. The CHAIRMAN read out paragraph 7 of General Assembly resolution 45/77 and said that Committee's role in the preparatory work for the United Nations Conference on the Indian Ocean, as indicated in the relevant General Assembly resolutions, required that it should focus on the following issues: the provisional agenda; the rules of procedure; participation in the Conference; the stages of the Conference; level of representation; documentation; consideration of appropriate arrangements for any international agreements that might ultimately be reached for the maintenance of the Indian Ocean as a zone of peace; and preparation of the draft final document of the Conference.

2. At its meetings in 1990, the Committee had approved the draft provisional agenda for the Conference. Document A/AC.159/L.109 and Corr.1 and 2 contained his summation of the Committee's consideration of the draft provisional rules of procedure of the Conference contained in document A/AC.159/L.61. The Committee had completed its consideration of the rules of procedure, except for rules 17, 31 and 32. The Committee also had to consider the substantive issues that should be submitted to the Conference, and document A/AC.159/L.93 could form the basis for that discussion. The Committee should complete the preparatory work for the Conference at its current session.

3. In formulating the draft resolution to be included in its report to the General Assembly, the Committee should take into account the dramatic changes which had taken place in the international situation since the adoption in 1971 of the Declaration of the Indian Ocean as a Zone of Peace.

4. At a later stage in the current session, he planned to report to the Committee on the results of his discussions with the delegations which had withdrawn from the Committee or were no longer participating in its work.

5. The Committee's efforts to achieve the objectives of the Declaration would benefit from a demonstration of greater willingness to achieve mutual understanding and accommodation, taking into account improved international relations, particularly between the two major Powers. The Committee must seize every opportunity to arrive at agreed formulations based on consultation, compromise and consensus.

6. Mr. JAIN (India) suggested that, in keeping with the usual practice, the Chairman's opening statement should be circulated.

7. Ms. COURTNEY (Australia) pointed out that the usual practice was simply to distribute copies to delegations informally.

PROGRAMME OF WORK

8. The CHAIRMAN said that he wished to propose a programme of work for the session, which would be implemented flexibly. The draft rules of procedure would be considered at the current meeting and at the next meeting; substantive issues to be submitted to the Conference would be taken up on 2 July, 3 July and at the morning meeting on 5 July. At the afternoon meeting on 5 July, he would report on his consultations with delegations which had withdrawn from the Committee or were not participating in its work. On 8 July, the Committee would take up other matters relating to the preparatory work for the Conference; on 9 July, 10 July and, if necessary, 11 July, it would consider its draft resolution to be submitted to the General Assembly. It would discuss its report at the morning meeting on 12 July, and the afternoon meeting would be devoted to the closure of the session.

9. Mr. JAIN (India) noted that no provision had been made for a general debate.

10. The CHAIRMAN said that delegations were free to make general statements at any stage.

11. Mr. HAGOSS (Ethiopia) said that it would be useful if the Chairman could report on the discussions he had held with delegations which had withdrawn from the Committee or were not participating in its work, before the Committee began its discussion of the substantive issues to be submitted to the Conference.

12. As for the draft resolution to be submitted to the General Assembly, in order to save time, and in keeping with the usual practice, it would be helpful if the delegations from the non-aligned countries submitted an initial draft for discussion by the Committee. Amendments could of course be suggested by other delegations.

13. The CHAIRMAN said that while he would prefer to await the comments of all the delegations which had withdrawn from the Committee or were not participating in its work, before he reported on those consultations to the Committee, he could, if the Committee so wished, report on the consultations held thus far, before it began its consideration of the substantive issues to be submitted to the Conference.

14. He agreed that in the interest of brevity and efficiency, it would be best to have a single basic draft resolution before the Committee for discussion.

15. Mr. SOTIROV (Bulgaria) said that it was essential for the Committee to be fully informed about the results of the Chairman's consultations with members which had left the Committee or were not participating for the time being. Accordingly, the Committee should be told exactly when the Chairman would report on his consultations.

16. The CHAIRMAN said that he would take the views of the representatives of Ethiopia and Bulgaria into account in that regard.

17. Mr. CURE (Mauritius) said that it would be useful if the Chairman could provide a summary of the essential elements to be included in the draft resolution which the Committee would be discussing later in the session.

18. Ms. COURTNEY (Australia) said she had the impression that the Western countries that had formerly participated in the Ad Hoc Committee were not aware that they were expected to reiterate their position to the Chairman.

19. Mr. AL-ALFI (Yemen) supported the views expressed by the representative of Ethiopia. Yemen considered that the first part of the Ad Hoc Committee's report should be available by 5 July, so that the Committee could dispose of it before its second week of work.

20. Mr. JAIN (India) supported the statements made by Ethiopia and Yemen. In his delegation's opinion, the Chairman's report to the Ad Hoc Committee on the outcome of his consultations with former participants in the work of the Committee should be presented in an integral manner and not piecemeal, since that might give the Committee a distorted view of the situation.

21. Mr. KRASULIN (Union of Soviet Socialist Republics) said that the Ad Hoc Committee on the Indian Ocean was the only United Nations body that discussed the problem of naval forces, one of the major components of States' military potential. The Committee should continue its work since it might one day lead to the implementation of practical measures to strengthen security in the Asian and Pacific region. The Committee was currently in a period of transition, and much depended on the willingness of its members to strengthen its effectiveness. At the same time, account should be taken both of the specific conditions prevailing in the region and of international trends.

22. The Ad Hoc Committee should seriously consider the substantive questions involved in establishing the Indian Ocean as a zone of peace. Perhaps a starting-point would be a collective effort to define the basic elements of the concept of such a zone. The Committee should concentrate on developing a realistic approach to the establishment of a zone of peace in the Indian Ocean, in the light of current conditions as well as of the objectives contained in the Declaration of the Indian Ocean as a Zone of Peace. It was essential that any agreement should reflect the obligations both of the littoral States and of the major users of the Indian Ocean, including the five permanent members of the Security Council. The next step and logical consequence of such work would be to draft, or outline the main elements of, a final document of the Conference.

23. It would be useful to consider confidence-building measures that could be applied in the Indian Ocean region. With respect to the organization of the Conference, the Ad Hoc Committee had approved the draft provisional agenda of the Conference, and was close to agreement on the draft provisional rules of procedure. Work on the draft rules should be completed as soon as possible.

(Mr. Krasulin, USSR)

24. The establishment of a zone of peace in the Indian Ocean would be impossible without the involvement of all its major users, some of which were not participating in the work of the Ad Hoc Committee. However, their temporary absence should not pose an obstacle to the search for specific solutions. His delegation hoped that the progress achieved by the Committee would encourage that group of countries to resume its participation in the work of the Committee.

25. The practice of holding informal discussions among the "Friends of the Chairman" to consider problems facing the Committee had proven useful in the past and should be maintained at the current session.

26. The programme of work was adopted.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (A/AC.159/L.61, L.93 and L.109 and Corr.1 and Corr.2)

27. The CHAIRMAN said that, at its spring session of 1991, the Ad Hoc Committee had referred to the current session the bracketed text in paragraphs 2 and 6 of rule 32, as it appeared in the summation of the consideration of the draft provisional rules of procedure of the United Nations Conference on the Indian Ocean (A/AC.159/L.109); that rule incorporated rules 31 and 32 of the original draft provisional rules of procedure (A/AC.159/L.61).

28. Ms. COURTNEY (Australia) said that the bracketed phrase "Except for the adoption of the substantive parts of the report of the Conference, which shall be adopted by consensus" should be reinserted at the beginning of rule 32. A corrigendum should be issued to that effect.

29. Since her delegation had not agreed on universal participation in the Conference, perhaps a note could be added at the end of the draft provisional rules of procedure indicating that no consensus had been reached regarding participation. She drew attention to the rather sexist language of the draft rules of procedure, and proposed that the Chairman should consult with the Secretariat with a view to eliminating such language.

30. Mr. AL-ALFI (Yemen) said that the Ad Hoc Committee was not yet in a position to adopt the draft provisional rules of procedure. It should endeavour to accommodate the views of various delegations and see how much agreement could be achieved.

31. Mr. JAIN (India) supported the statement made by the representative of Yemen. His delegation believed that consensus was essential for facilitating the success of the Conference. If the Ad Hoc Committee had persistent

(Mr. Jain, India)

problems in reaching agreement on certain rules at its formal meetings, it should consider discussing them at informal meetings.

32. Mr. AL-ALFI (Yemen) supported that proposal; the Committee would have less flexibility at formal meetings. He suggested that, after concrete proposals had been submitted by the representative of Australia, the Committee could meet informally in order to determine whether and to what extent the views of all delegations could be accommodated. If it should prove impossible to reach agreement, the Committee could then consider the other procedures suggested by the Chairman.

33. Ms. COURTNEY (Australia) said that she could not see why her country should be treated differently from other members of the Committee. Her delegation had suggested that those provisions of the draft rules of procedure on which consensus did not exist should be placed in square brackets.

34. Mrs. MULAMULA (United Republic of Tanzania) said that, while her delegation certainly did not object to informal meetings, experience had shown that the progress achieved during informal consultations could not be maintained when it came to a meeting for which summary records were prepared.

35. With regard to draft rule 32, she said that after exhaustive consultations, an agreement had been reached at the previous session of the Committee to accommodate those delegations which had insisted that the substantive parts of the report should be adopted by consensus. However, her delegation had not expected that, as reflected in document A/AC.159/L.109, the words "including the substantive parts of the report" would be added to paragraph 1.

36. Turning to paragraph 2, her delegation had also been surprised to find that the words "provided that such majority shall include at least a majority of the States participating in the Conference" had been placed in square brackets, as that was an issue which was to have been discussed at the current session. Accordingly, her delegation felt that the Committee's objective in holding informal consultations should be to reach agreement on the disputed paragraphs, and that at the subsequent formal meetings, delegations should not renege on what they had agreed to off the record.

37. The CHAIRMAN said that his understanding of the previous speaker's statement was that she would prefer the Committee to hold formal meetings for which records were prepared.

38. In order for the Committee to proceed with its consideration of draft rule 32, he suggested that the discussion should focus on those segments of paragraphs which had been placed in square brackets.

39. Mr. JAIN (India) said that holding formal meetings would make it easier to review the positions adopted earlier. However, once delegations had placed

(Mr. Jain, India)

their views on record, it might be helpful to move on to informal meetings at which further progress could be made. In that connection, it was unfortunate that the Committee had no record of the informal meetings held during its April 1991 session, at which the agreement reflected in document A/AC.159/L.109 had been reached.

40. He also noted that, while summary records had been prepared for the Committee's July 1990 session, the corrections submitted by his delegation had been issued only two days prior to the April 1991 session, so that during the intervening months, the Committee had not had access to the complete record to which it was entitled; he stressed that summary records should be available when they were needed.

41. His delegation felt that it might be helpful to consider the remaining issues relating to the draft rules of procedure at an informal meeting.

42. The CHAIRMAN suggested that the Committee should continue to hold formal meetings as far as possible, and that delegations should endeavour to reach consensus. In that process, delegations must not frustrate the Committee's efforts, or it would be unable to complete the preparatory work for the Conference, as instructed by the General Assembly.

43. The Committee should return later to the Australian representative's request for square brackets to be placed around some provisions of the draft rules. In the meantime, it should proceed with its consideration of paragraphs 2 and 6 of draft rule 32 as reflected in document A/AC.159/L.109. He wished to know whether the representative of India insisted that the provisions in square brackets in those paragraphs should be retained, and, if so, how that view could be harmonized with those of other delegations which did not feel that such stipulation was necessary.

44. Mr. JAIN (India) said that, while the provisions to which the Chairman had referred were not normally found in the rules of procedure of most United Nations conferences, the United Nations Conference on the Indian Ocean would not be an ordinary meeting; it would be concerned with issues of importance to various countries in various ways, which explained the delays experienced by the Committee over the past 20 years. In the light of the discussion at the April 1991 session, his delegation had agreed to withdraw all its other proposed amendments to the draft rules, while continuing to believe that the Conference must not be allowed to become an exercise in futility. The objective was not merely to hold the Conference, but to ensure the implementation of the 1971 Declaration of the Indian Ocean as a Zone of Peace. Accordingly, it was important for there to be a broad consensus. In that light, the proposals made by his delegation appeared to be not only reasonable, but necessary. Moreover, those proposals did not imply that any delegation would have the power of veto over the decisions to be reached at the Conference.

45. Mr. MFULA (Zambia) said his delegation hoped that the participants at the Conference would remain there until such time as decisions were taken, and felt that it would be desirable for decisions to be adopted by consensus. Nevertheless, he wondered whether, by removing the brackets in paragraphs 2 and 6 of draft rule 32, the Committee would not incur the risk of no decisions being taken on some important aspects of the final document. For instance, one group of participants might be unhappy with a particular paragraph and might simply be absent during the voting.

46. With regard to paragraph 1 of draft rule 32, as reflected in document A/AC.159/L.61, he failed to understand the insistence that the words "Except for the adoption of the substantive parts of the report of the Conference" should be left in square brackets. The revised version of draft rule 32, as reflected in document A/AC.159/L.109, made that proposal unnecessary.

47. Mr. AL-ALFI (Yemen) said that the Committee was not yet ready to take a decision on that question. Draft rule 32 and, in particular, the meaning of the word "consensus" were at the heart of the matter. He asked whether that word had the same meaning as in the rules of procedure of the General Assembly, or whether it referred to unanimity, as implied in paragraph 3.

48. He had no difficulty with the amendment proposed by India, provided that the phrase "at least a majority of the States participating in the Conference" in paragraph 2 referred to a two-thirds majority.

49. The CHAIRMAN said that in the formal and informal discussions held in April 1991, it had been clear that by "at least a majority", the representative of India had meant "a simple majority".

50. Mr. AL-ALFI (Yemen) said that in that case he did not see why the Committee should risk ambiguity. The words "at least a simple majority" should actually be used.

51. The CHAIRMAN said he was sure that the suggestion just made by the representative of Yemen would be acceptable to the representative of India, and indeed to all the other members of the Committee.

52. Mr. CURE (Mauritius) said that there was a risk that the Conference would be unable to take decisions if a two-thirds majority of the representatives present and voting, including at least a simple majority of the States participating in the Conference, was required.

53. Mr. HAGOSS (Ethiopia) said that the ultimate goal was to ensure that as far as possible the substantive parts of the report had the support of as many delegations as possible. As suggested by the delegation of the Soviet Union, the "Friends of the Chairman" should meet from time to time to discuss issues that arose. He therefore wished to propose that the "Friends of the Chairman" should meet in order to discuss the matter currently under consideration.

54. The CHAIRMAN said that he was not averse to such a meeting in order to reach some sort of understanding.

55. Mr. JAIN (India) and Mr. MAHMOOD (Pakistan) supported the proposal made by the representative of Ethiopia.

56. Mr. AL-ALFI (Yemen) said that, although he saw merit in India's suggestion concerning a simple majority, he had no difficulty in accepting the proposal made by the representative of Ethiopia.

57. Mr. HAGOSS (Ethiopia) said that it would be very helpful if the Senior Adviser attended the meeting of the "Friends of the Chairman".

58. The CHAIRMAN said he was sure that the Senior Adviser would agree to be present at that meeting, which would begin later in the day, at 3 p.m.

The meeting rose at 1 p.m.

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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 393rd MEETING

Held at Headquarters, New York,
on Monday, 1 July 1991, at 3.30 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77 (continued)

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The meeting was called to order at 5.10 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued) (A/AC.159/L.61 and L.109 and Corr.1 and Corr.2

1. The CHAIRMAN said that at the meeting of the "Friends of the Chairman" just held it had been proposed that rule 32, paragraph 1, of the draft provisional rules of the Conference should be amended so that it read:

> "[The adoption of the substantive parts of the report shall be by consensus.] The Conference shall make every effort to ensure that as far as possible all other substantive decisions shall be adopted by consensus."

2. The final element of paragraph 2 would be amended to read: "[provided that such majority shall include at least a simple majority of the States participating in the Conference]". The wording contained between square brackets in paragraph 6 would be deleted. The hope had been expressed at the meeting of the "Friends of the Chairman" that it would ultimately prove possible to adopt the wording which remained between square brackets.

3. Mr. JAIN (India) said that he trusted that the Committee would have an opportunity to continue its consideration of these proposals.

4. The CHAIRMAN said that there had been no intention to present the proposals as formal options. The aim was simply to find a way of emerging from the impasse in which the Committee found itself. It was important to proceed with the programme of work, even if agreement could not be reached on rule 32. It might be necessary to leave some wording between square brackets for the Conference itself to decide on.

5. Ms. COURTNEY (Australia) said that the position of her Government remained that the final report should be adopted by consensus, and that the need for universal participation by United Nations Member States and observers was questionable. That view was shared by the countries which were no longer participating in the work of the Ad Hoc Committee.

6. The CHAIRMAN said that there was clearly no unanimity or even consensus with regard to the rules of procedure. He wished to state formally that the afternoon meeting had been called to order after its scheduled time to allow for the holding of a meeting of the "Friends of the Chairman" in order to expedite the Committee's work.

7. Mr. HAGOSS (Ethiopia) said that in view of the progress made on rule 32, time should be allowed for consultations before proceeding further.

8. Mr. CURE (Mauritius) asked whether the new wording of rule 32, paragraph 1, meant that any decision adopted by a two-thirds majority could not be reflected in a substantive part of the report if any participant objected.

9. The CHAIRMAN said that the suggested reintroduction of language from rule 32, paragraph 1, as contained in document A/AC.159/L.61 would ensure that the substantive parts of the report of the Conference represented a consensus. Every effort would be made to adopt other substantive decisions by consensus, but in the absence of consensus, decisions would be adopted in accordance with paragraph 2 of rule 32, as contained in document A/AC.159/L.109.

10. Mr. HAGOSS (Ethiopia) said that for purposes of clarification, he would read out the proposed version of rule 32, paragraph 1:

> "[Except for the adoption of the substantive parts of the report of the Conference, which shall be by consensus,] the Conference shall make every effort to ensure that as far as possible all other substantive decisions are adopted by consensus."

11. Mr. CURE (Mauritius) said he assumed that the substantive part of the report would consist of all the substantive decisions of the Conference. Therefore, if provision was made for some of those decisions to be adopted by a two-thirds majority, it would be possible for a single delegation which had opposed such decisions to prevent the Conference from adopting the report.

12. Mr. HAGOSS (Ethiopia) said that since the Australian delegation had insisted on the recasting of rule 32, paragraph 1, as it appeared in document A/AC.159/L.109, it would be appropriate for the Australian delegation to respond to the concerns of the representative of Mauritius.

13. Ms. COURTNEY (Australia) said that at most review conferences, it was standard procedure for the final report to be adopted by consensus. Separate provision was made in the rules of procedure for decisions taken on substantive and procedural matters during the conference, even though voting was avoided in most cases. It was her Government's position that any decision adopted by vote which did not later enjoy consensus should not be included in the substantive part of the report. That position was based on the conviction that a zone of peace could not be voted into existence and that consensus was required for such a decision to be meaningful. Therefore, unless there was consensus on the establishment of a zone of peace, such a decision could not be included in the final declaration of the Conference.

14. Mr. CURE (Mauritius) asked for clarification of the Australian delegation's reference to a final declaration. In his understanding, a final declaration was not the same as a final report.

15. Mr. MFULA (Zambia) said that although many delegations had put forth useful suggestions, it was important that they should maintain a spirit of give and take on the crucial issue with which they were dealing. They should also bear in mind that the Committee had been established by the General Assembly and was under its authority. He was therefore concerned that the proposed rules of procedure for the Conference were more stringent in their requirements for the adoption of decisions than the rules of procedure of the General Assembly. Rule 83 of the General Assembly's rules of procedure required a two-thirds majority only for decisions on important questions such as recommendations with respect to the maintenance of international peace and security. For that reason, he had difficulty accepting the bracketed portions of paragraphs 2 and 6 of rule 32. Since the Conference would be convened by the United Nations, it should remain within the existing rules of procedure and should not set any precedents.

16. Although there had appeared to be a spirit of compromise at the meeting of the "Friends of the Chairman", it seemed, in the light of the statements by the representative of Australia, that the Committee was even further from an agreement than it had been 10 years earlier. Additional difficulties were caused by the ambiguous position of the delegations which had withdrawn from the Committee, since there was a question as to whether they intended to return. His delegation felt that a two-thirds majority on substantive decisions would adequately reflect the position of the Committee.

17. The CHAIRMAN said that at the meeting of the "Friends of the Chairman", the representative of Zambia had already suggested that the Committee should adopt the General Assembly's rules of procedure if it could not agree on an appropriate formula for its rule 32. Although the Committee appeared to be united in the feeling that its primary task was to implement its mandate to complete the preparatory work for the 1992 Conference, its unanimity on that task had not been translated into a consensus on the rules of procedure. If the Committee insisted on the need for consensus on the substantive decisions of the Conference, it must also accept the need for flexibility and compromise as a means of achieving consensus. If the Committee could not reach agreement on the rules of procedure the following day, it should provisionally include the bracketed portions of rule 32 and submit the matter to the Conference for a decision.

18. Mrs. MULAMULA (United Republic of Tanzania) said that she fully supported the position of the representative of Zambia. In addition, the question raised by the representative of Mauritius on possible difficulties arising from the proposed paragraph 1 of rule 32 was very pertinent. That paragraph had been the subject of exhaustive discussions in April 1991 as a result of which the Committee had arrived at the compromise version contained in document A/AC.159/L.109. The progress represented by that compromise was being jeopardized by the current disagreement.

19. She also agreed with the representative of Mauritius that a final declaration was not the same as a final report. Rule 16 of the proposed rules

(Mrs. Mulamula, Tanzania)

of procedure for the Conference merely indicated that the final report might include a declaration. The report could recommend either that the Conference should proceed to a second stage or that the Committee should continue to study the matter at issue. The substantive part of the report could, therefore, include decisions that had not been adopted by consensus. For example, the final report of the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water included decisions adopted by majority and not by consensus, but did not include a final declaration owing to disagreement on the amendment itself. Thus, it should be clarified whether the final report of the Conference must include a final declaration, or whether it could simply include recommendations that did not directly concern the establishment of a zone of peace.

20. The CHAIRMAN said that the changes to rule 32 as contained in document A/AC.159/L.109 were merely suggestions which had been put forth at the meeting of the "Friends of the Chairman". As yet, the only change agreed upon had been the insertion of the word "simple" before the words "majority of the States participating" in the penultimate line of the English version of rule 32, paragraph 2. The other changes were intended only as suggestions for reflection on the part of the Committee members, put forth in the interest of reaching agreement on the rules of procedure for the Conference.

The meeting rose at 6 p.m.

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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 394th MEETING

Held at Headquarters, New York,
on Tuesday, 2 July 1991, at 10 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77 (continued)

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The meeting was called to order at 10.40 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued) (A/AC.159/L.61, L.93, L.109 and Corr.1 and 2, L.110)

1. Mr. PEERTHUM (Mauritius) said that the current session was undoubtedly one of the most crucial in the Ad Hoc Committee's history, one on which the Committee's future would depend. It should be clear by the end of the Committee's deliberations whether or not there would be a Conference on the Indian Ocean. Mauritius attached the utmost importance to the convening of the Conference, and considered the participation of all the major Powers to be essential for the achievement of a zone of peace in the Indian Ocean.

2. It was his understanding that the Member States which had left the Committee might be prepared to reconsider their position if a positive attitude was adopted by the Committee. The French Government had expressed such a view in recent talks with his Government.

3. As suggested by the Chairman, the draft resolution to be submitted by the Committee to the General Assembly could take into account the dramatic changes in the international situation which had occurred since the adoption of the 1971 Declaration of the Indian Ocean as a Zone of Peace. The Declaration was an important and historic document which embodied some fundamental principles, but it also reflected the cold-war context in which it had been adopted, a context which no longer existed. Accordingly, the draft resolution should avoid any dogmatic or controversial language, which could only be to the detriment of the Committee's long-standing efforts to establish a permanent framework for confidence-building and collective security. If it should prove feasible to do so, the General Assembly could even be requested to undertake a review of the political and security situation in the Indian Ocean in the light of recent developments in the international situation. Such a review would be of great value to all the participants at the Conference.

4. The CHAIRMAN said that draft rule 32 of the draft provisional rules of procedure as reflected in document A/AC.159/L.109 had been discussed during informal consultations, but that no agreement had been reached. In order to resolve the differences among the members of the Committee, it had been suggested, first, that paragraph 1 of draft rule 32 should read: "Except for the adoption of the substantive parts of the report of the Conference, which shall be by consensus, the Conference shall make every effort to ensure that as far as possible all other substantive decisions shall be adopted by consensus"; secondly, that the brackets in paragraph 2 should be removed; and thirdly, that paragraph 6 should be deleted.

(The Chairman)

5. He drew attention to the third version of the non-paper of the Chairman of the Working Group contained in document A/AC.159/L.93, and to a letter from the Permanent Representative of India transmitting proposed amendments to that version (A/AC.159/L.110). In his view, the issues listed in the non-paper could be divided into the following three categories: those which had some relevance to the Charter of the United Nations (paras. 1 to 10, 18 and 19); those which referred specifically to the 1971 Declaration (paras. 11, 14, 15 and 16); and those which referred specifically to disarmament (paras. 12, 13 and 17). In order to expedite the Committee's work, he suggested that members should consider the issues by category, in the order in which he had described them.

6. Mr. JAIN (India) said that his delegation welcomed the suggestion that the Committee should turn its attention to the non-paper, as India had been among those countries which had emphasized the need for the Committee to do so. However, he felt that the categorization suggested by the Chairman might be somewhat premature.

7. The CHAIRMAN said that his purpose had merely been to suggest a sequence in which the issues could be considered.

8. Mr. NAIMI-ARFA (Islamic Republic of Iran) requested the Chairman to clarify the extent to which the Committee was being asked to expand its consideration of substantive issues, as there were differences of opinion which could prevent those issues from being addressed in an appropriate manner. He recalled that, at the April 1991 session, the Chairman had stated that the Committee was not required to take a decision on all the elements of the non-paper in order to achieve consensus.

9. The CHAIRMAN, after reading out paragraph 1 of the non-paper, said that the members of the Committee should not feel that they were restricted to the issues listed in the non-paper, which merely provided a basis for discussion; any delegation was entitled to propose amendments to it.

10. With regard to his statement at the April 1991 session to which the representative of the Islamic Republic of Iran had referred, he stressed that, even if the Committee could not agree on anything, it could still propose issues to be decided on at an appropriate political level, namely, at the Conference, provided that such issues had been discussed in an appropriately structured fashion; that was the purpose of the non-paper.

11. Mr. JAIN (India) said that paragraph 1 of the non-paper should be amended. Wherever there was a reference to "international legal obligations", as in the heading and in the second and third subparagraphs, the words "and the obligations assumed under bilateral agreements among States" should be added. In the second subparagraph, the words "and observance of" should be inserted after "respect for".

12. Ms. COURTNEY (Australia) read out the last paragraph of the letter from the Chairman of the Working Group contained in document A/AC.159/L.93. The Chairman of the Working Group had emphasized that the Group had been as close as possible to achieving consensus, in view of the broad range of States represented; however, the Indian proposal would move the Committee away from consensus. With regard to the details of the proposal, her delegation did not understand the reason for emphasizing bilateral agreements, as all legal obligations were covered by the paragraph as currently drafted. In addition, in referring to international legal obligations, there was no need to call for their observance, as that was implied in the concept of obligation. "Observance" was appropriate for purposes and principles, which were not obligations per se.

13. Mr. JAIN (India) said that in order to make progress towards convening the Conference, the Committee must consider the relevant procedural, substantive and organizational matters, and try to narrow differences and reach an agreement reflecting the Committee's collective views.

14. The CHAIRMAN urged delegations to work towards a consensus.

15. Mr. NAIMI-ARFA (Islamic Republic of Iran) said that the amendments proposed by the representative of India would strengthen the principle enunciated in paragraph 1.

16. Mr. MAHMOOD (Pakistan) suggested that the words "regional and subregional" should be inserted before "bilateral" in the amendment to paragraph 1 proposed by the representative of India.

17. The words "and for the fulfilment of the purposes and principles of the Charter of the United Nations" should be inserted at the end of the second subparagraph.

18. The CHAIRMAN urged delegations to submit their proposed amendments in writing.

19. Mr. HAGOSS (Ethiopia) said that the heading should remain as it appeared in document A/AC.159/L.93. To include a reference to bilateral, regional and subregional agreements would invite a lengthy extension of that list. The desire to incorporate legal instruments other than the Charter could be met by employing a broad reference to "other legal instruments".

20. Mr. JAIN (India) said that the phrase "other legal instruments" could be construed to include many instruments which were extraneous in the current context. The text dealt solely with international relations among States in the context of the 1971 Declaration and the United Nations Charter.

21. Mr. MAHMOOD (Pakistan) said that if a reference was made to bilateral agreements, then it was also necessary to refer to regional and subregional instruments. However, if the Committee preferred to retain the existing text, he would not stand in the way.

22. Mr. JAIN (India) said that he could go along with the suggestion to leave the heading of paragraph 1 as it stood, and the proposal to add a reference to bilateral, regional and subregional agreements to the second and third subparagraphs.

23. Mr. MFULA (Zambia) said it was his understanding that the phrase "international legal obligations" automatically covered bilateral, subregional and regional agreements.

24. Mr. HAGOSS (Ethiopia) said he believed that the heading of paragraph 1 did in fact cover bilateral, subregional and regional obligations. On that understanding, he endorsed the most recent suggestion by the representative of India.

25. Mr. MFULA (Zambia) said that it was important to avoid a conflict between bilateral agreements, on the one hand, and regional and subregional agreements, on the other hand, in the interpretation of whatever document eventually emerged. The phrase "international legal obligations" covered bilateral, regional and subregional agreements.

26. Mr. KATSIBAZI (Uganda) said that while he shared the concern expressed by the representative of Zambia, his delegation was prepared to go along with the Indian representative's proposal as further amended by the delegations of Pakistan and Ethiopia. However, he wondered why no reference had been made to multilateral agreements.

27. Mr. HAGOSS (Ethiopia) said that it was not necessary to refer to multilateral agreements when reference was already made to regional and subregional agreements, since all three terms automatically implied that more than two States were involved. However, he would not object to the inclusion of the word "multilateral".

28. Mrs. MULAMULA (United Republic of Tanzania), referring to the third subparagraph of paragraph 1, said that it would be inappropriate to request all States to conform to bilateral agreements.

29. Mr. JAIN (India) said that the insertion of the phrase "and the obligations assumed under bilateral agreements among States" did not imply that all States must conform to such obligations, since bilateral obligations by their very nature concerned only two States.

30. Mr. KATSIGAZI (Uganda) said that, in order to facilitate a consensus, his delegation would not insist on the insertion of "multilateral" before the word "bilateral".

31. Mr. JAIN (India) said he believed that the Committee agreed that the heading and the first subparagraph of paragraph 1 would remain unchanged, that in the second subparagraph, the words "and observance of" would be inserted after "respect for", and that at the end of the second and third

(Mr. Jain, India)

subparagraphs, the words "and the obligations assumed under bilateral, subregional and regional agreements among States" would be added.

32. Mrs. MULAMULA (United Republic of Tanzania) said that, in the first line of the third subparagraph, the word "all" before the word "States" should be deleted.

33. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed on the proposed amendments to paragraph 1 and the deletion of the word "all" in the first line of the third subparagraph.

34. It was so decided.

35. The CHAIRMAN invited the Committee to consider the proposed amendments to paragraph 2.

36. Mr. AMBEYI-LIGABO (Kenya) said that, in the second subparagraph, the word "national" before "sovereignty" should be retained. The word "accepted" should also be retained, and the amendment should read: "accepted and recognized boundaries including maritime boundaries".

37. Mr. JAIN (India) said that, since the Committee was referring to the sovereignty of States Members of the United Nations, as well as other States, there was no need to retain the word "national". His delegation had suggested that the word "recognized" should replace the word "accepted", because it felt that "recognized boundaries" was more in keeping with the usage prevailing in the United Nations. The words "including maritime boundaries" were even more relevant since the subject was the Indian Ocean. As he was not a legal expert, he did not know whether it was possible to refer to "accepted and recognized boundaries"; he would therefore consult with his legal authorities and report back to the Committee.

38. Mr. HAGOSS (Ethiopia) said his delegation agreed that the word "national" before "sovereignty" was redundant. He pointed out that, since boundaries were first accepted and then recognized internationally, there was no need to retain the word "accepted". Moreover, the words "including maritime boundaries" should not be retained since such boundaries were included in the concept of "recognized boundaries".

39. Mr. AMBEYI-LIGABO (Kenya) said that his delegation had been in favour of retaining the word "national" before "sovereignty" because it believed the wording should be as specific as possible. While it might be preferable to retain the word "accepted", his delegation could accept the wording of the second part of the proposed amendment to the second subparagraph.

40. Mr. ZIMBA (Mozambique) said that the word "national" before "sovereignty" should also be deleted from the heading of paragraph 2.

41. Mr. JAIN (India) agreed with the observation made by the representative of Mozambique. With respect to the deletion of the words "including maritime boundaries", he would have to consult his legal authorities. He therefore proposed that those words should be enclosed in square brackets and dealt with at a later stage. The Committee could then come to a consensus on the rest of paragraph 2.

42. Mr. MFULA (Zambia) said that, since United Nations documents constantly referred to "national sovereignty", the word "national" before "sovereignty" should be retained.

43. Mr. OVANESOV (Union of Soviet Socialist Republics) agreed with the representative of Ethiopia that the words "including maritime boundaries" should be deleted.

44. Mr. HAGOSS (Ethiopia) appealed to the representative of Zambia not to insist on retaining the word "national" before "sovereignty".

45. Mrs. MULAMULA (United Republic of Tanzania) said that her delegation did not consider the word "national" before "sovereignty" to be redundant. It was indeed a fact that a number of United Nations legal documents used the word "national" before the word "sovereignty".

46. Mr. MFULA (Zambia) said that his delegation agreed to the deletion of the word "national" before "sovereignty" and to the deletion of "including maritime boundaries".

47. Mr. JAIN (India) proposed that the Committee should defer consideration of the words "including maritime boundaries".

48. The CHAIRMAN said that the word "national" before "sovereignty" would be deleted, and the words "including maritime boundaries" would be placed in square brackets.

49. Mr. HAGOSS (Ethiopia) said that the words "including maritime boundaries" should not be placed in square brackets, but should be deleted. It was not logical to refer to the maritime boundaries of the hinterland States, which were, of course, land-locked.

50. The CHAIRMAN said he believed that the Committee should agree to retain the words "recognized boundaries including maritime boundaries" until India reported back to the Committee.

51. Mr. MAHMOOD (Pakistan) said that he had not been present during the previous discussion of the paragraphs contained in the non-paper, and he wished to know why it had been decided to replace the words "accepted frontiers" with the words "recognized boundaries".

52. The CHAIRMAN said that general agreement had been reached that the words "recognized boundaries" were more in conformity with United Nations usage.

53. If he heard no objection, he would take it that the Committee agreed to delete the word "national" before "sovereignty" in the heading of paragraph 2 and in the second subparagraph, and to retain the wording "recognized boundaries including maritime boundaries" on the understanding that the inclusion of the words "including maritime boundaries" would be discussed at a later stage.

54. It was so decided.

55. The CHAIRMAN invited members of the Committee to consider the Indian delegation's proposed amendment to paragraph 3 of the non-paper (A/AC.159/L.93, appendix).

56. Mr. JAIN (India) said that his delegation's proposed amendment (A/AC.159/L.110, annex) was designed to make the paragraph's language conform more closely to concepts used in the arena of international debate, with a view to avoiding any possibility of misinterpretation.

57. Mr. AMBEYI-LIGABO (Kenya) said that the language used in paragraph 3, being derived from the Charter, seemed quite consistent with that used in international forums. The amendment's implication that the threat or use of force could emanate only from nuclear-weapon States diluted the principle whereby all States should refrain from the threat or use of force. His delegation believed that any reference to nuclear threats should be included either in a separate subparagraph or under an entirely different heading.

58. The CHAIRMAN reminded members of the Committee that the language of paragraph 3 was based on Article 2, paragraph 4, of the Charter, and that nuclear threats were addressed under paragraphs 15 and 16 of the non-paper.

59. Mr. NAIMI-ARFA (Islamic Republic of Iran) endorsed the comments of the representative of Kenya and said that the amendment proposed by the delegation of India could be incorporated under either paragraph 15 or paragraph 16.

60. Mrs. MULAMULA (United Republic of Tanzania) said that her delegation shared the views expressed by the representatives of Kenya and the Islamic Republic of Iran. The proposed amendment, while not without merit, belonged elsewhere.

61. Mr. HAGOSS (Ethiopia) also endorsed the position adopted by the representative of Kenya. Elements of the amendment might variously be incorporated under paragraphs 11, 14 or 15, but not under paragraph 3.

62. Mr. ZIMBA (Mozambique) added that some part of the amendment might also be accommodated under paragraph 13.

63. Mr. SHA Zukang (China) said that his delegation agreed with the response to the proposed amendment. Paragraph 3, which enshrined a fundamental principle, should be retained as it stood. He believed that the ideas contained in the proposed amendment could be reflected more appropriately in other paragraphs.

64. Mr. JAIN (India) said that he would respond to the comments of delegations at the Committee's next meeting.

The meeting rose at 1.05 p.m.

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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 395th MEETING

Held at Headquarters, New York,
on Tuesday, 2 July 1991, at 3 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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The meeting was called to order at 3.25 p.m.

STATEMENT BY THE CHAIRMAN

1. The CHAIRMAN said that, at its April session, the Committee had requested him to hold consultations with members which had left the Committee or were not participating in its work. He wished to summarize the main points made during those consultations.

2. It had been noted that since the adoption of the Declaration of the Indian Ocean as a Zone of Peace in 1971, the international situation had changed dramatically. It had become meaningless to speak of bases in the context of rivalry between the great Powers in the Indian Ocean, for that rivalry no longer existed. While it might be necessary to mention such rivalry in future General Assembly resolutions by way of historical background, those resolutions should also refer to the current international situation and the positive steps which should be taken by all concerned - the littoral and hinterland States, the permanent members of the Security Council and the major maritime users of the Indian Ocean - to achieve the objectives of a zone of peace. Concern had been expressed about the perceived use of the Committee as a forum for unfair criticism of certain Member States, and a request had been made not to employ the rhetoric of previous years. It was felt that a consensus in decision-making should be maintained.

3. It had also been indicated that the participation and cooperation of the Member States which had left the Committee or were not participating in its work could be facilitated if the work of the Committee was conducted with due regard for the realities of the current international situation. Those Member States would reconsider participating in the Committee's work if there was tangible evidence of a new approach to the achievement of the ultimate objective of a zone of peace in the Indian Ocean. Certain countries not participating in the work of the Committee felt that their renewed participation was conditional on the return of the three members of the Security Council which had withdrawn from the Committee.

4. Mr. JAIN (India) said that paragraph 8 of General Assembly resolution 45/77 would seem to indicate that the General Assembly (not the Committee at its April session) had requested the Chairman to enter into consultations with the Member States in question.

5. The CHAIRMAN said that he, too, had been under that impression, but, in fact, the same request was contained in General Assembly resolutions adopted prior to the time that certain Member States had withdrawn paragraph 8 of resolution 45/77 referred to Member States which had sought to join the Committee but which had not been automatically admitted.

6. Mr. KHERADI (Senior Adviser) confirmed that the Chairman's interpretation was correct.

7. Mr. JAIN (India) noted that reference had been made to paragraph 8 of the resolution when the Chairman had been requested to enter into consultations at the April session. Similar language to that of paragraph 8 might have been used in the past in a different context. Legally, there was no distinction between Member States which were not yet members of the Committee and Member States which had withdrawn from the Committee.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued) (A/AC.159/L.61, L.93, L.109 and Corr.1 and 2, L.110)

8. The CHAIRMAN invited the Committee to take up the proposed amendments to item 3 of the third version of the non-paper of the Chairman of the Working Group, (A/AC.159/L.93, appendix). The Indian delegation had proposed that both paragraphs of item 3 should be replaced (A/AC.159/L.110, annex). There seemed to be a consensus that the two paragraphs should be retained and that the content of the Indian amendment concerning nuclear-weapon States would be more appropriately incorporated under other headings.

9. Mr. JAIN (India) said that the principle set forth in the second paragraph of item 3 was formulated in the language of the Charter of the United Nations; there was no reason to delete it. The language of the first paragraph, on the other hand, was convoluted, confusing cause and effect by referring to both the application of the principle of refraining from the threat or use of force, and the contribution to international peace and security that would result from applying that principle. The language contained in the amendment proposed by India, that "nuclear-weapon States [should] refrain from any show of force" seemed clearer. None the less, his delegation was prepared to consider the views expressed by the other members of the Committee, in the hope that all concerns could be accommodated.

10. The CHAIRMAN said that issues relating to nuclear-weapon States could be taken up under items 14, 15 and 16. In the light of the remarks by the Indian representative, perhaps it would be best not to adopt the proposed amendment, but rather to focus on clarifying the language of the first paragraph of item 3.

11. Mr. HAGOSS (Ethiopia) said that item 3 was not the appropriate context for any of the sentences contained in the proposed Indian amendment. The issues it raised could be taken up under the items mentioned by the Chairman, and also under item 11, particularly as certain States which had withdrawn from the Committee maintained that super-Power rivalry no longer existed. The Committee should concentrate, then, on clarifying the language of the first paragraph of item 3.

12. Mr. SOTIROV (Bulgaria) agreed with the Chairman and the Ethiopian representative on how to deal with the proposed Indian amendment. In his delegation's opinion, when an amendment was presented virtually in the form of an official document, it made flexible discussion somewhat more difficult.

13. Referring to the statement by the Chairman on consultations with Member States which had left the Committee or were not participating in its work, he said that, with an eye to the future, the Committee should make every effort to attract the greatest possible number of Member States to the Conference on the Indian Ocean at Colombo. For the time being, that should even take priority over preparing the agenda of the Conference.

14. Mr. AMBEYI-LIGABO (Kenya) suggested that it would be wiser if preparations for the Conference continued even as efforts were being made to encourage the greatest possible number of Member States to attend. His delegation was pleased that the Indian delegation was principally concerned with clarifying the language of item 3. The content of the proposed amendment could be incorporated under other items.

15. Mr. HAGOSS (Ethiopia) said that the agenda of the Conference should be of the broadest possible interest.

16. The first paragraph of item 3 was redundant when read together with the second paragraph. It should be deleted.

17. The CHAIRMAN agreed with the Ethiopian representative. The second paragraph amply conveyed the idea of refraining from the threat or use of force, using the language of the Charter of the United Nations.

18. Mr. JAIN (India) agreed that without the first paragraph, the formulation of item 3 was much more effective. His delegation was prepared to consider incorporating portions of its proposed substitute paragraph under other items. It continued to believe, however, that its proposal also related directly to item 3.

19. The CHAIRMAN noted that there seemed to be a consensus that the first paragraph of item 3 should be deleted and that the second paragraph and the heading should be retained.

20. Mr. AL-ALFI (Yemen), referring to paragraph 12 of the most recent report of the Committee to the General Assembly (A/45/29), requested clarification as to whether the discussion was taking place within the scope of the Working Group or of the Committee. A debate on amendments to a non-paper could prove to be an endless process, especially since the non-paper was intended merely to provide guidelines for a final declaration to be adopted at the Colombo Conference.

21. The CHAIRMAN said that the Committee was seeking to reach consensus on as many elements of the non-paper as possible before they were submitted to the Conference.

22. Mr. HAGOSS (Ethiopia) said that it was important to submit a list of elements which could command broad acceptance in order to facilitate the Conference's work.

23. Mr. DZVAIRO (Zimbabwe) said that the Committee should concern itself with the real issues and not waste time splitting hairs.

24. Mr. AL-ALFI (Yemen) said that no one was more eager to see the convening of the Conference than his own Government. The question remained of why the Committee was devoting so much time to a non-paper. It seemed that it might be simply a pretext to prolong the work of the Ad Hoc Committee, which should be focusing on the draft final document of the Conference, as mandated in General Assembly resolution 45/77.

25. The CHAIRMAN said that the Committee would best expedite its work by continuing its consideration of the non-paper.

26. Mr. MFULA (Zambia) said that the Committee could consider the non-paper and proposed amendments thereto indefinitely without coming to an agreement. His delegation agreed with the representative of Yemen.

27. The CHAIRMAN said that it was important for the Committee to conclude its consideration of the non-paper. That meant going through each element and the various amendments proposed by India, while considering any other proposals that delegations might wish to put forward. It might be useful to prioritize the elements and deal with the most urgent ones first.

28. Mr. MFULA (Zambia) said that the conference would have a drafting group, given which there was no need for the Ad Hoc Committee to finalize everything.

29. Mr. JAIN (India) said that it was of obvious importance for the Committee to prepare the ground for the Conference, which otherwise would not be able to complete its work in the time it would have available. Nevertheless, it was for the Conference itself to take final decisions.

30. The CHAIRMAN said that members should appreciate that the Committee must complete its preparatory work at the current session. He invited the Committee to take up item 4 of the non-paper (A/AC.159/L.93, appendix). The amendments proposed by India were contained in the annex to document A/AC.159/L.110.

31. Mr. MAHMOOD (Pakistan) said that the first and second paragraphs of item 4 should remain as drafted in the non-paper. The changes proposed by India would be better incorporated under item 6. His own delegation wished to propose that the end of the third paragraph should be amended to read "bilateral or regional agreements freely reached by, or other decisions freely taken amongst, the States themselves".

32. Mr. AMBEYI-LIGABO (Kenya) said that his delegation saw no merit in the Indian amendments, since the original text was unobjectionable. It was questionable whether the Indian proposals would help the Committee to move forward in its work.

33. Mrs. MULAMULA (United Republic of Tanzania) said that the reference in the first paragraph to an accepted norm of international law was satisfactory as it stood. The Indian delegation seemed to be attempting to merge the elements of the first and second paragraphs, which she could accept.

34. Mr. JAIN (India) said that some members seemed to have lost track of what the Committee was attempting to do. It might be helpful if the Chairman would clarify the situation.

35. The CHAIRMAN said that the immediate task was to go through the elements of the non-paper. It would be helpful if the representative of India explained his amendments to item 4 as necessary.

36. Mr. JAIN (India) said that his delegation's proposal regarding the first paragraph of item 4 was based on its understanding that the peaceful settlement of disputes, though perhaps an accepted norm of international relations, was not an accepted norm of international law. The Committee should therefore avoid introducing a possibly ambiguous concept. With respect to the proposed deletion of the second paragraph, the representative of Tanzania had already accurately deduced India's intentions. The proposal to add a new paragraph was based on the notion, already reflected in the evolution of the non-paper, that a brief elaboration of each of the 19 items would facilitate the work of the Conference. The language of the proposed new paragraph was open to modification; his immediate concern was whether any delegations had reservations about the substance of his proposals.

37. Mr. MFULA (Zambia) said it was his understanding that the peaceful settlement of disputes was indeed an accepted norm of international law, since he had come across the principle in the context of many other United Nations bodies. Although he had no objection to the proposed addition to the end of the first paragraph, there was no question that the reference to international law was appropriate. In fact, the peaceful settlement of disputes was a cardinal principle of the United Nations Charter.

38. Mr. JAIN (India) said that he had no substantive difficulty with the position of the Zambian delegation. The Committee had two options with respect to the first paragraph of item 4: it could retain the current language for the moment, or it could substitute "international relations" for "international law".

39. The CHAIRMAN said he believed that the Committee would prefer to retain the current language in order to avoid further arguments.

40. Mr. JAIN (India) said he would not insist on the deletion of the phrase referring to international law. If some Committee members wished to retain the paragraph in its current form, the Committee could revert to the matter at a subsequent stage.

41. The CHAIRMAN said that in order to expedite the Committee's work, it would be preferable to proceed without having to revert to the matter later. He therefore suggested that the language of the first paragraph should be retained, with the addition of the phrase "aimed at preventing tensions and conflicts from leading to armed hostilities" at the end. With regard to the proposed new paragraph, there was no need to elaborate on the principle that the settlement of disputes should proceed peacefully. With respect to the current third paragraph, the only suggestion for modification had been made by the representative of Pakistan, who wished to insert the word "freely" to describe the manner in which agreements and decisions had been reached. He questioned the need for that change, since freedom was implicit in actions taken by sovereign States.

42. Mr. MAHMOOD (Pakistan) said that his amendment was intended to make the paragraph more meaningful by stressing that any pair or group of States was free to enter into any agreement.

43. The CHAIRMAN said he was afraid that the use of the word "freely" could imply that some sovereign States were subject to coercion.

44. Mr. KATSIGAZI (Uganda) said that he agreed with the Chairman and that the paragraph's reference to "the States themselves" already implied that no external influence had forced them to reach their agreements and decisions.

45. The CHAIRMAN said that since it appeared that all of the delegations preferred to retain the current language of the third paragraph, and that the delegation of Pakistan accepted that preference, the Committee could agree to leave the third paragraph of item 4 in its current form.

46. With respect to the proposed new paragraph, he wondered whether it was necessary to elaborate on unacceptable means of settling disputes, since the obligations of States in that regard were already clearly spelt out in international instruments. Moreover, he feared that the paragraph could arouse controversy because of its reference to activities such as terrorism.

47. Mr. JAIN (India) said that his delegation had considered its proposals very carefully before submitting them to the Committee. It would give all due consideration to the comments and reservations expressed by members. His main concern at the current stage was whether any delegations had strong objections to the general idea of including such a paragraph; the exact wording of the paragraph could easily be changed.

48. Mr. NAIMI-ARFA (Islamic Republic of Iran) said that he was concerned about the negative tone of the paragraph, with its references to hostile propaganda, instigation, terrorism, etc. The guidelines for the settlement of disputes should, instead, emphasize the processes which offered opportunities for peaceful conflict resolution, such as arbitration.

49. Mr. MAHMOOD (Pakistan) said that he agreed with the Iranian representative. The language of the proposed paragraph could cause controversy.

50. Mr. MFULA (Zambia) said that he also supported the position of the Iranian representative. There was no need for such detail on the settlement of disputes, since the appropriate procedures for it had already been laid down in the United Nations Charter and in other international instruments. If elaboration of item 4 was necessary, it would be preferable to use the language of the Charter, to which all Member States were committed. The proposed paragraph's reference to terrorism was ambiguous, since, for example, liberation movements in South Africa had been referred to as terrorists by the South African Government, and some countries referred to the actions of others as terrorism, in areas such as the Middle East.

51. Mrs. MULAMULA (United Republic of Tanzania) said she supported the statements of the Iranian and Zambian representatives.

52. Mr. AMBEYI-LIGABO (Kenya) said he also supported the position of the Iranian representative, which was in accordance with Chapter VI of the United Nations Charter.

53. Mr. SHA Zukang (China) said that although there was some merit in the proposed new paragraph, the activities to which it referred were instances of interference in the internal affairs of States, and were therefore already dealt with in item 6. The guidelines should reflect a positive viewpoint.

54. Mr. JAIN (India) said that although he would carefully consider the views expressed, he still believed that the points raised in the proposed new paragraph should be introduced under item 4. He understood the concern that the paragraph was too negative, but felt that the guidelines should reflect both sides of the issue of the settlement of disputes. The paragraph's language could be modified, or its list of unacceptable actions could be shortened, but the Committee and the Conference should not shy away from the reality of the negative aspects to which it referred.

55. The CHAIRMAN said it appeared that with respect to item 4, the Committee wished to modify the first paragraph as discussed previously, to delete the second paragraph as recommended by the Indian delegation, and to retain the third paragraph, at least for the moment.

56. Mr. JAIN (India) said that although the Committee must expedite its work in order to fulfil its mandate, he felt there was a need to clarify the objective of its work at the current stage.

57. The CHAIRMAN said that the Committee's overriding objective was to complete the remaining preparatory work so that the Conference could be held in 1992. The Committee should therefore keep its guidelines and recommendations as general as possible, basing them on the United Nations Charter and on international declarations and covenants, since the final outcome of the work would be determined by the Conference. The introduction of controversial new elements at the current stage would be counter-productive.

58. Mr. AMBEYI-LIGABO (Kenya) recalled that although the Australian representative had expressed reservations about the rules of procedure for the Conference, most of the delegations had wished to retain the rules as contained in document A/AC.159/L.109. The Australian representative had agreed to put her arguments on record instead of prolonging the discussion. Such a spirit of goodwill was necessary if the Committee was to avoid being held hostage to disagreements over what were not final papers, but only guidelines.

59. Mr. MFULA (Zambia) said he agreed with the representative of Kenya. The consensus arrived at by the Committee could not be expected to represent complete unanimity, but rather a convergence of views. The Committee must take its mandate seriously in adopting its preparatory documents, which would, in any case, undergo further elaboration and refinement at the Conference.

The meeting rose at 6.10 p.m.